

AMENDED IN ASSEMBLY JUNE 26, 1995

SENATE BILL

No. 431

Introduced by Senator Rosenthal

February 16, 1995

~~An act to amend Section 330 of the Penal Code, relating to gaming. An act to amend Section 19807 of the Business and Professions Code, relating to gaming.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 431, as amended, Rosenthal. Gaming.

Existing law, the Gaming Registration Act, among other things, prohibits the ownership or operation of a gaming club, as defined, without first obtaining a valid registration from the Attorney General. Existing law generally requires applications for registration to be acted upon within 180 days of submission of a completed application form.

This bill would require the Attorney General to establish a process for expediting new applications within 90 days of filing and to charge an additional fee for this process.

The bill also would require the Attorney General to request, and the Department of Finance to approve, an appropriate number of personnel positions to adequately staff, as defined, the gaming registration program.

~~The California Constitution provides that the Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.~~

~~Existing statutory law prohibits dealing, playing, carrying on, opening, causing to be opened, or conducting as an owner or employee, or betting on, any specified game, including,~~

~~among others, faro, monte, roulette, rondo, tan, fan-tan, twenty one, or specified banking or percentage games. A violation of any of these provisions is a misdemeanor, punishable by a fine of not less than \$100 or more than \$1,000, by imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment.~~

~~This bill would exempt from the above-specified provisions of existing statutory law any banking game wherein the player or players pay the winning bettors and collect money from the losing bettors.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 330 of the Penal Code is~~

2 *SECTION 1. Section 19807 of the Business and*
3 *Professions Code is amended to read:*

4 19807. (a) The Attorney General shall provide forms,
5 which are to be completed under penalty of perjury, to
6 obtain information to identify the persons applying for
7 registration including, but not limited to, the individual's
8 name, address, identification numbers, and other data
9 prescribed by the Attorney General, and the specific
10 gaming club or clubs involved and any relevant
11 information pertaining to other persons as defined in
12 subdivision (c) of Section 19802 affiliated with the gaming
13 club or clubs. Applicants for registration who have or will
14 have an ownership or management interest in any
15 gaming club shall submit full financial statements, as
16 prescribed by rule and regulation, and which shall
17 include a statement of any interest in any other business.
18 The applicant shall submit a statement under penalty of
19 perjury that no person, other than those disclosed in the
20 application, shall have any ownership control or other
21 financial interest in the gaming club. If the applicant
22 transfers any ownership interest in the club, the transfer
23 shall be reported to the Attorney General within 10 days.

24 (b) If any of the information submitted by an applicant
25 or registrant changes, the applicant or registrant shall



1 promptly notify the Attorney General. Financial
2 transactions relating to the sale and purchase of real
3 estate, stocks, or bonds do not need to be reported,
4 provided that the applicant owns less than a one-fourth
5 interest in the gaming club, and the gaming club is a
6 corporation or partnership authorized to do business in
7 California; however, the applicant shall submit an annual
8 financial statement. The Attorney General may deny a
9 change in ownership for any of the reasons set forth in
10 Section 19809.

11 (c) Applications for registration by individuals who
12 owned, operated, or had a financial interest in gaming
13 clubs on or before January 1, 1983, and all applications to
14 renew registrations granted pursuant to this chapter,
15 shall be acted upon within 60 days after the applicant
16 submits a completed application form. All other
17 applications shall be ~~completed~~ acted upon within 180
18 days of submission of a completed application form. The
19 Attorney General may issue a conditional registration in
20 order to allow sufficient time to complete background
21 investigations without causing undue hardships to
22 applicants involved in the gaming industry. If no action
23 is taken within the time allowed, the application shall be
24 deemed granted.

25 (d) *The Attorney General shall establish a process for*
26 *expediting applications for registration and shall charge*
27 *an additional fee for expediting applications through this*
28 *process. These applications shall be processed within 90*
29 *days of filing unless there are extraordinary issues*
30 *involved.*

31 (e) *The Attorney General shall request, and the*
32 *Department of Finance shall approve, an appropriate*
33 *number of personnel positions to adequately staff the*
34 *gaming registration program. For these purposes,*
35 *'adequately staff' means to staff the number of positions*
36 *necessary to process applications as required by this*
37 *section. The Attorney General shall adjust annually the*
38 *application and renewal fees to cover the costs of*
39 *processing the applications for registration and renewal*
40 *applications.*

1 (f) A gaming club may authorize the release of
2 information held by the Attorney General regarding that
3 gaming club and all persons associated with that club.

4 ~~amended to read:~~

5 ~~330. (a) Every person who deals, plays, or carries on,~~
6 ~~opens, or causes to be opened, or who conducts, either as~~
7 ~~owner or employee, whether for hire or not, any game of~~
8 ~~faro, monte, roulette, lansquenet, rouge et noire, rondo,~~
9 ~~tan, fan tan, seven and a half, twenty one, hokey pokey,~~
10 ~~or any banking or percentage game played with cards,~~
11 ~~dice, or any device, for money, checks, credit, or other~~
12 ~~representative of value, and every person who plays or~~
13 ~~bets at or against any of those prohibited games, is guilty~~
14 ~~of a misdemeanor, punishable by a fine not less than one~~
15 ~~hundred dollars (\$100) or more than one thousand dollars~~
16 ~~(\$1,000), by imprisonment in a county jail not to exceed~~
17 ~~a period of six months, or by both that fine and~~
18 ~~imprisonment.~~

19 ~~(b) Subdivision (a) does not apply to any banking~~
20 ~~game described in that subdivision wherein the player or~~
21 ~~players pay the winning bettors and collect money from~~
22 ~~the losing bettors.~~